

JUN 13 '08

11:19 AM

SURFACE TRANSPORTATION BOARD



June 13, 2008

Ms. Anne K. Quinlan, Esq.  
Surface Transportation Board  
Office of Proceedings  
395 E Street, SW  
Washington, DC 20423-0001

Dear Ms. Quinlan:

Please find attached, one (1) copy of the Release of Use Agreement dated June 13, 2008 between the following parties:

Lessee: Buffalo & Pittsburgh Railroad, Inc.  
1200-C Scottsville Road, Suite 200  
Rochester, NY 14624

Lessor: The David J. Joseph Company  
(f/k/a Joseph Transportation Services, Inc.)  
300 Pike Street  
Cincinnati, OH 45202

This filing is to appear in the index as follows: Release of Use Agreement dated June 13, 2008 related to twelve (12) railcars bearing reporting marks: NYOG 150-161, inclusive.

Please file this as a secondary document under Recordation Number 23839-A as it relates to documents previously filed with the Surface Transportation Board under Recordation Number 23839. The filing fee in the amount of \$35.00 can be charged to our account.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6082.

Sincerely,

THE DAVID J. JOSEPH COMPANY

  
Barbara A. Brzezicki  
Contract Manager

Enclosures

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## RELEASE OF USE AGREEMENT

SURFACE TRANSPORTATION BOARD

This Release of Use Agreement (the "Release") releases the lien created by that certain Use Agreement dated as of November 14, 2001 (the "Agreement"), bearing Recordation No. 23839, between The David J. Joseph Company (f/k/a Joseph Transportation Services, Inc.), as Lessor ("Lessor") and Buffalo & Pittsburgh Railroad, Inc., as Lessee ("Lessee"), with respect to the twelve (12) railcars listed on Exhibit A attached hereto (hereinafter, the "Equipment").

WHEREAS, Lessor and Lessee executed the Agreement relating to the Equipment. Such Agreement was terminated.

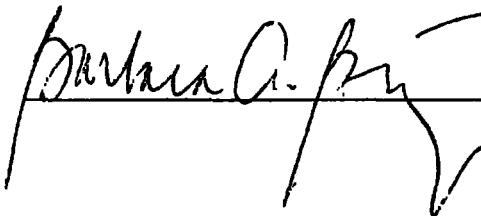
NOW, THEREFORE, in consideration of the premises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Lessor submits the following:

1. Lessee and Lessor have agreed to terminate the Agreement between the parties and the Equipment has been returned to the Lessor.
2. This Release shall be recorded with the Surface Transportation Board so as to record the release of the lien(s) against the Equipment constituted by the Agreement.

In witness whereof, the Lessor has caused this Release to be duly executed by its authorized officer as of the 13<sup>th</sup> day of June, 2008.

WITNESS:

THE DAVID J. JOSEPH COMPANY

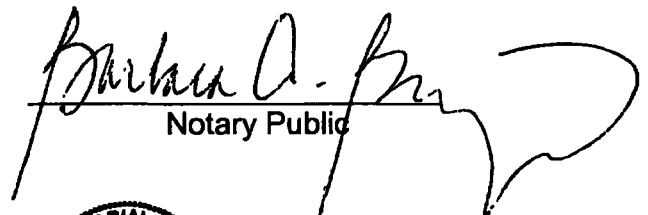
By: Name: James H. GoetzTitle: Executive V.P. & CFO

STATE OF OHIO           )  
                                  ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June, 2008, by James H. Goetz, the Executive Vice President and Chief Financial Officer of The David J. Joseph Company, a Delaware corporation.

My Commission expires:

2-20-11

  
Notary Public



BARBARA A. BRZEZICKI  
Notary Public, State of Ohio  
My Commission Expires 02-20-11

**EXHIBIT A**  
**DESCRIPTION OF UNITS**

Twelve (12), railcars bearing reporting marks:

NYOG 150 - 161, inclusive